

COMBINED INDUSTRY WRITTEN COMMENTS ON DRAFT REVISED 2020
MODIFICATION TO THE 2016 REISSUED RCRA PERMIT

Comments Received During the 07/13/2020 – 09/18/2020 Comment Period

Housatonic Railroad Company, Inc.

October 2020



August 21, 2020

To: United States Environmental Protection Agency

From: Parker Rodriguez
Housatonic Railroad Company, Inc.
PO Box 687
Old Lyme, CT 06371
(860) 434-4303
p.rodriguez@hrrc.com

Re: Proposed Revised Cleanup Plan for the Rest of River

Housatonic Railroad Company, Inc. is in support of transporting as much of the contaminated material as possible by rail including building one or more rail transfer facilities to transport waste material from the "Rest of River" cleanup project to off-site facilities and to the Upland Disposal Facility.

Housatonic Railroad is currently in a collaborative project with MassDOT to rehabilitate and improve the rail line with new rail and ties to a state of good repair which will insure the ability to safely transport contaminated materials. Housatonic Railroad is adjacent to the Housatonic River along most of the polluted sites in the "Rest of River" project and is contiguous and/or proximate to all work areas identified. This puts Housatonic Railroad in a unique position to support all work activities with direct access to a transportation corridor both for transportation to a processing facility (dewatering) and interstate transportation to a final disposal site. There are several locations along the rail line, including the Rising Pond and Woods Pond areas, which would be suitable for a loading or transfer facility. In addition, Housatonic formerly provided rail service to Columbia Mill, Eagle Mill, Willow Mill and Rising Mill and those sites remain easily accessible by rail. Housatonic Railroad will have the capacity to meet the volume needs of this project.

Housatonic Railroad is aware that the draft permit provides that waste material designated for off-site facilities must be transported via rail wherever possible, however, it is our opinion that rail may also be the best transportation option for waste material designated for the Upland Disposal Facility.

Using rail wherever possible for this project would provide a significant mitigation to community impact by reducing much of the truck traffic that would otherwise be generated. Rail has many advantages over trucking including reduction of damage to roads, reduction of environmental harm, reduction of disturbance to local residents and a lower risk of spillage of contaminated material during transport. One railcar can fit about three truckloads of waste.

Housatonic Railroad is ready and able to participate in the development and planning for this project.

Sincerely,

Parker Rodriguez
Associate General Counsel
Housatonic Railroad Company, Inc.



September 15, 2020

To: United States Environmental Protection Agency
EPA Region 1
5 Post Office Square (Mail Code SEMD-07-01)
Boston, MA 02109-3912
R1housatonic@epa.gov

From: Parker Rodriguez
Housatonic Railroad Company, Inc.
PO Box 687
Old Lyme, CT 06371
(860) 434-4303
p.rodriguez@hrrc.com

Re: Comments on Draft Revised 2020 Permit for Housatonic River

These comments supplement and expand upon the written comments submitted to EPA by Housatonic Railroad and dated August 21, 2020. These comments address the transportation of contaminated material removed from the Housatonic River and its associated riverbed, impoundments, ponds, wetlands, flood plains, backwaters and banks. Furthermore, these comments address creating railroad access to the Upland Disposal Facility and the feasibility of bringing material into and out of the Upland Disposal Facility by rail. Attached with these comments are two additional documents: a PDF which contains photos which show the location of Housatonic Railroad in relation to impoundments and other features, labeled Exhibit A, and a more technical review of the feasibility of rail access to the Upland Disposal Facility, labeled Exhibit B.

OVERVIEW OF FORTHCOMING TRANSPORTATION ISSUES

As we understand the draft modification dated July, 2020, all contaminated material which is required to be removed shall be transported to the Upland Disposal Facility in Lee for processing. (It is unclear the extent of the processing and/or dewatering which is permitted to occur at the excavation sites, if any). The material which meets the Acceptance Criteria for the Upland Disposal Facility may be disposed of at that site, subject to capacity limits. All material which does not meet the Acceptance Criteria (hereinafter referred to in these comments as “Highly Contaminated Material” or “HCM”) must be transported to an approved off-site facility as described in the RCRA Draft Revised Corrective Action Permit (herein “Revised Permit Draft”), Section II (B)(5). No material may be disposed of at any other site within Berkshire County [Revised Permit Draft, Section II(B)(5)(a)(5)].

The Revised Permit Draft requires a substantial transportation and logistical effort to transport material from the remediation sites along the river to the Upland Disposal Facility and the transportation of HCM from the Upland Disposal Facility to an approved off-site facility. The transportation of this material by truck would impose a severe burden on the residents of the impacted area and a severe negative impact on roads and bridges, traffic, roadway safety and the environment. Roads and bridges in the affected area, which are primarily single lane secondary roads, are not designed for high volumes of heavy truck traffic and will suffer damage and accelerated deterioration as a result of this traffic, imposing extensive maintenance costs on the communities and the Commonwealth. The environmental costs of truck transportation include the risk of spillage or accidental discharge from trucks, the environmental impact of enhanced road maintenance and repair, and the increased emissions from heavy vehicles.

ADVANTAGE OF RAIL TRANSPORTATION AND SPECIAL CONDITIONS

To the extent feasible, these and other costs to the community can be mitigated by transportation of the contaminated material, both to and from the Upland Disposal Area, by rail. The Revised Permit Draft specifies in Special Conditions, Section II (B)(6)(b)(1) that

“Permittee’s proposal shall include measures to maximize the transport of such waste material to off-site facilities via rail, to the extent practicable.”

While that section recognizes the preference for rail transportation, the section does not go far enough in addressing the problem. Housatonic Railroad recommends two changes in the language of the requirement.

1. Transportation to the Upland Disposal Facility. The above requirement refers only to off-site facilities. However, there will be extensive transportation of contaminated material to the on-site facility, which is likely to exceed the transportation to the off-

site facilities. Provision is made for transportation from certain areas north of the Upland Disposal Facility to that facility by pipeline. Where feasible, that method of transportation is certainly preferable to transportation by highway. As more particularly set forth below, transportation, particularly from areas south of the Upland Disposal Facility, can be achieved in a more environmentally friendly manner by rail than by highway. Many of the specific remediation areas are directly adjacent to the existing Housatonic rail line and rail service is easily achieved. HRRC's specific recommendation follows;

Amend Section II(B)(6)(b)(1) to provide: "Permittee's proposal shall include measures to maximize the transport of such waste material to off-site facilities via rail and to the Upland Disposal Facility for processing and disposal by rail or pneumatic pipeline, to the extent feasible."

2. Feasibility Standard. In addition to including transportation to the Upland Disposal Facility by rail, the above proposed amended special condition changes the standard from "to the extent practicable" to "to the extent feasible". While neither standard reaches the level of "technically possible", feasibility suggests a stronger criterion than practicability. Throughout the Revised Permit Draft, in analogous circumstances, the language refers to feasibility rather than practicability. To use practicability here suggests an unwarranted lower standard than the feasibility criterion used elsewhere throughout the Revised Permit Draft. *See, e.g.,* Special Conditions II(B)(1)(c)(1)(b) [page 17] - Restoration of Areas Disturbed, Special Conditions II(B)(1)(c)(2) [page 17] - Corrective Measures, Special Conditions II(B)(1)(c)(2)(d) [page 20] - Design a Restoration Plan, Special Conditions II(B)(2)(c)(2)(b), II(B)(2)(d)(1)(d) and II(B)(2)(d)(2)(c) [pages 26-28] all relating to hydraulic conveyance.

RAILROAD ACCESS

Remediation Locations – Housatonic Railroad is adjacent to the Housatonic River along most of the polluted sites in the "Rest of River" project and is contiguous and/or proximate to all work areas identified. This puts Housatonic Railroad in a unique position to support all work activities with direct access to a transportation corridor both for transportation to the Upland Disposal Facility for processing and disposal of acceptable material and interstate transportation of HCM to a final disposal site. There are several locations along the rail line, including the Rising Pond and Woods Pond areas, which would be suitable for a loading or transfer facility. In addition, Housatonic formerly provided rail service to Columbia Mill, Eagle Mill, Willow Mill and Rising Mill and those sites remain easily accessible by rail.

Upland Disposal Facility – The Upland Disposal Facility is close to the rail line. While it is not currently rail served, it easily could be. Housatonic Railroad's Berkshire Line is on the east side of the Housatonic River as it approaches Lenoxdale from the south and it crosses the river to the west side in that vicinity. Housatonic Railroad has considered several alternative routes to the Upland Disposal Facility and concluded that the easiest access would involve installing a lead beginning under the Mill Street overpass and arcing to the northeast into the facility. A more formal feasibility review was completed and is attached as Exhibit B. As the review indicates, the extension of rail to the facility is easily achieved.

Sincerely,

Parker Rodriguez
Associate General Counsel
Housatonic Railroad Company, Inc.



September 14, 2020

To: United States Environmental Protection Agency

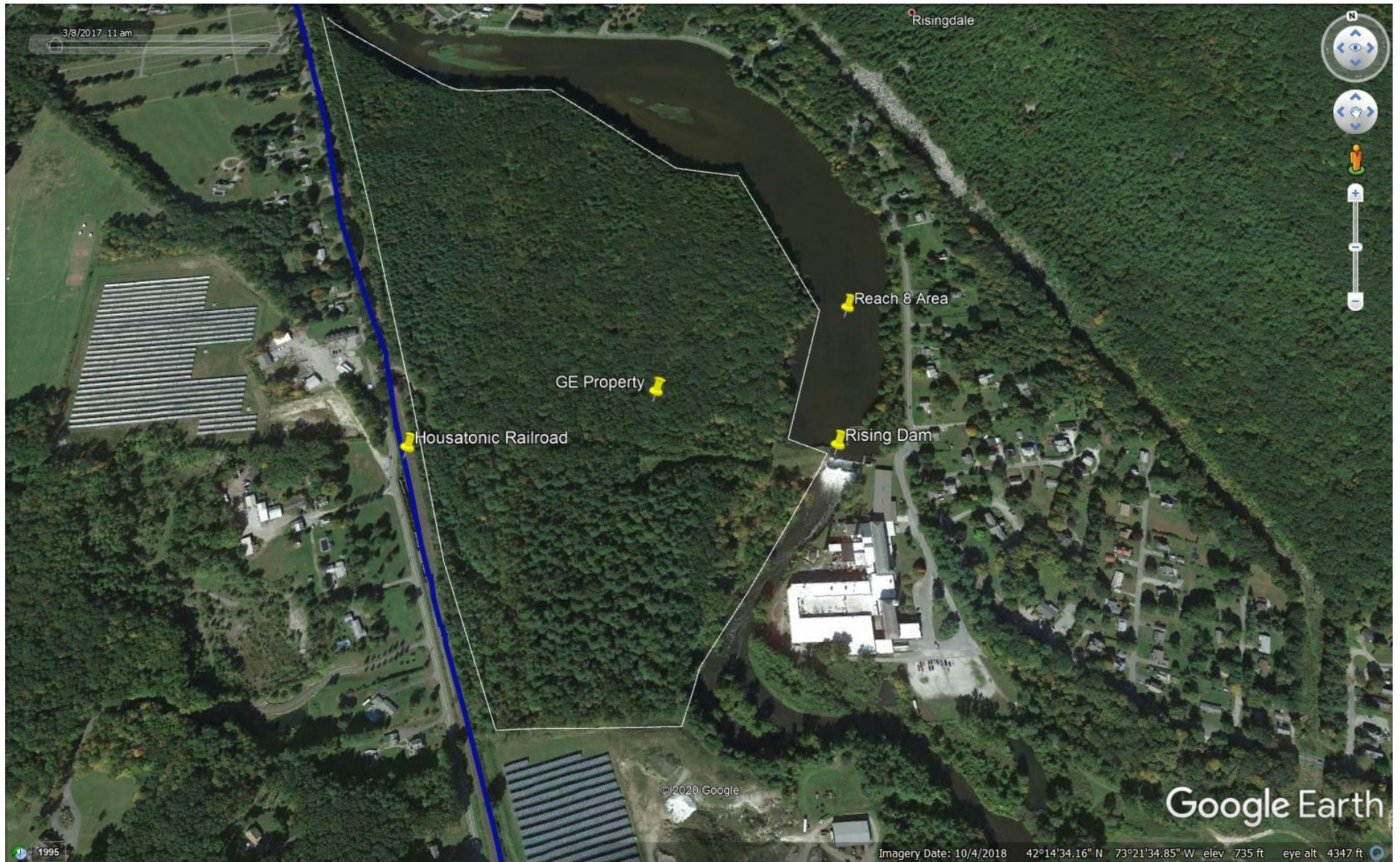
Re: Proposed Revised Cleanup Plan for the Rest of River

EXHIBIT A: PHOTOS OF REMEDIATION SITES

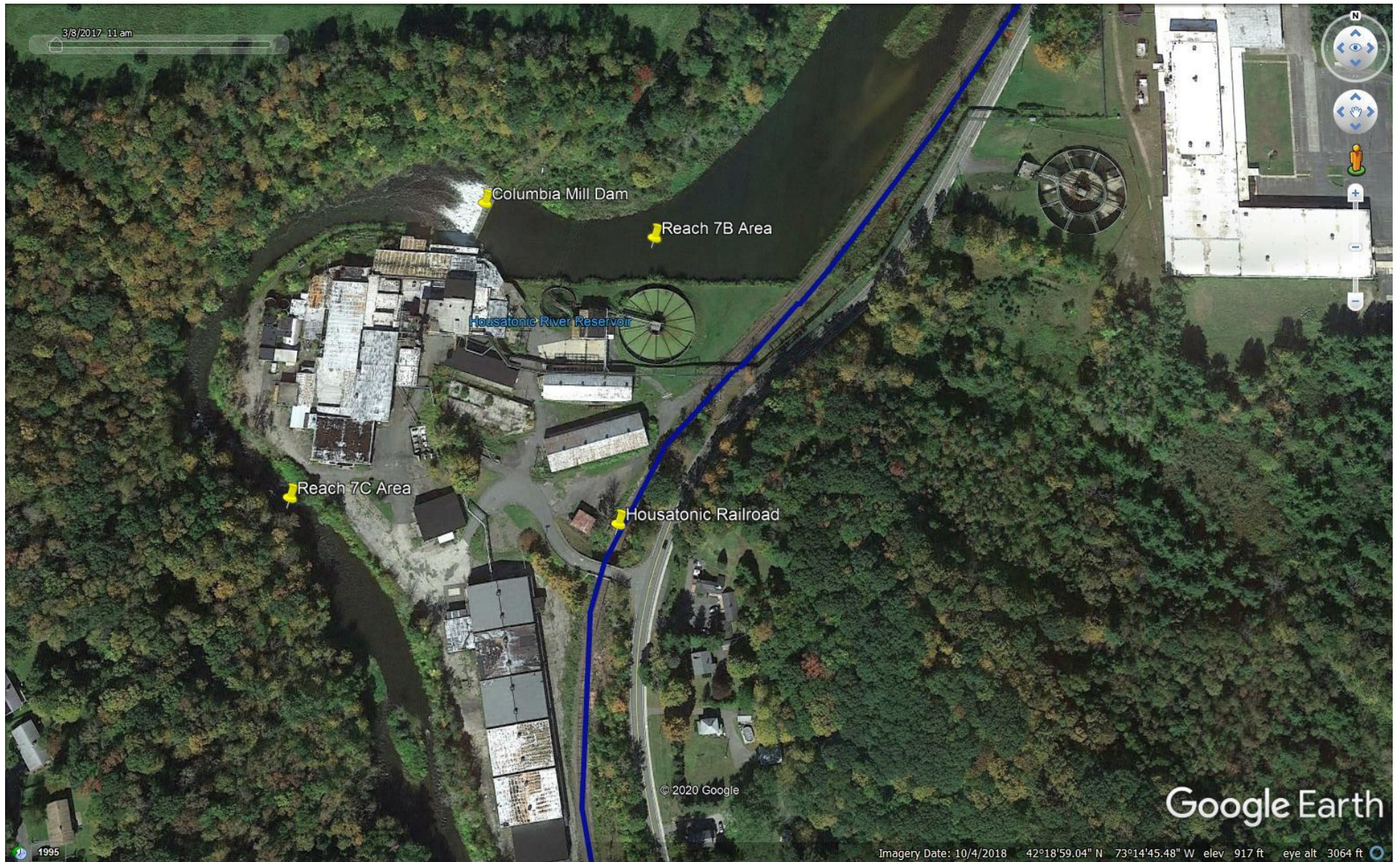
Photos attached show the location of Housatonic Railroad in relation to impoundments and other features:

1. Reach 8 – Rising Dam and Rising Pond
2. Reach 7B – Columbia Mill Dam
3. Reach 7C and 7D – Eagle Mill and Eagle Mill Dam
4. Reach 7E – Willow Mill and Dam
5. Reach 7G and 7H – Glendale Dam
6. Reach 6 – Woods Pond
7. Reach 6 – Woods Pond (larger area)
8. Woods Pond to New Lenox Road
9. New Lenox Road to East and West Branch of Housatonic

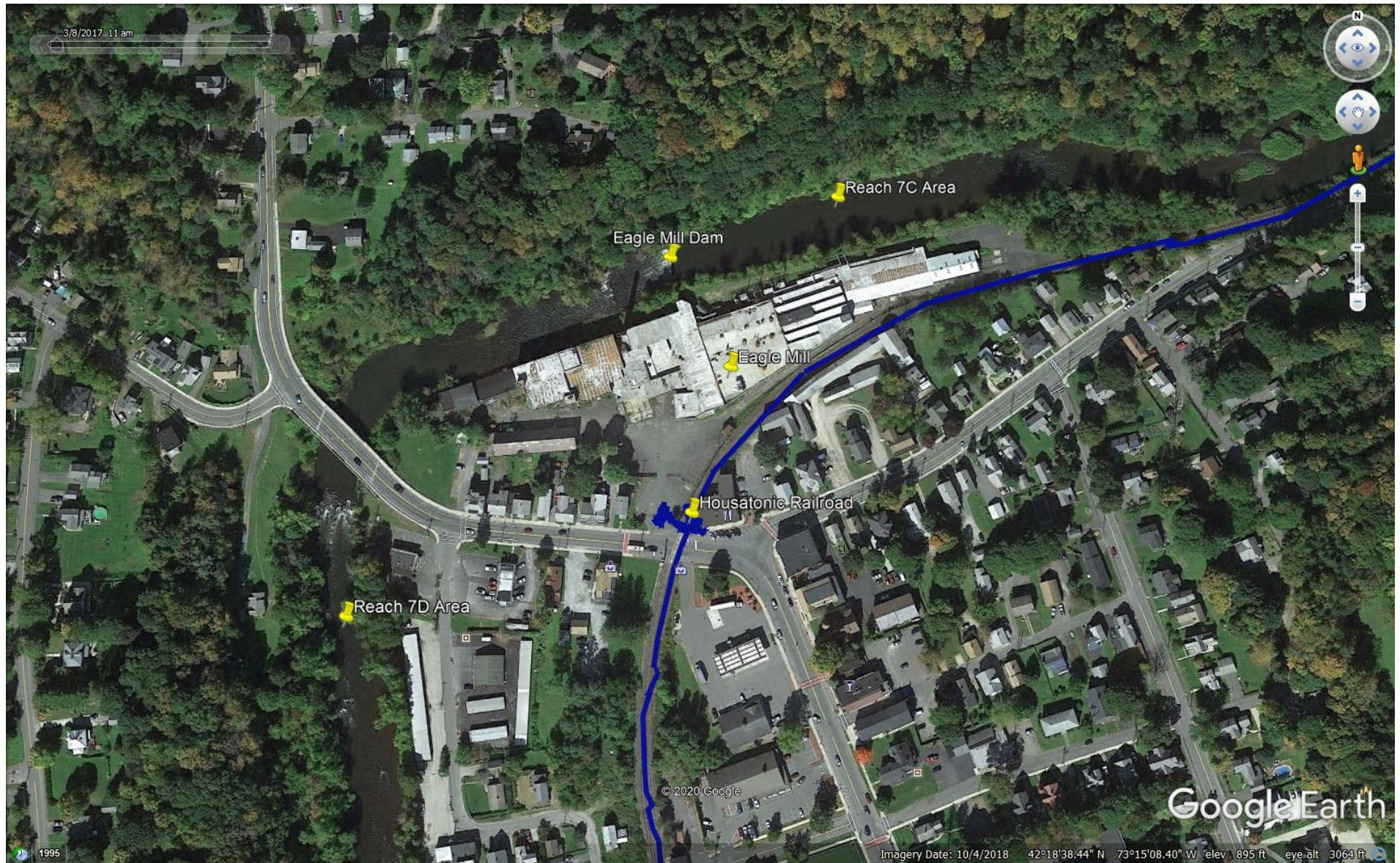
1. Reach 8 – Rising Dam and Rising Pond



2. Reach 7B – Columbia Mill Dam



3. Reach 7C and 7D – Eagle Mill and Eagle Mill Dam



4. Reach 7E – Willow Mill and Dam



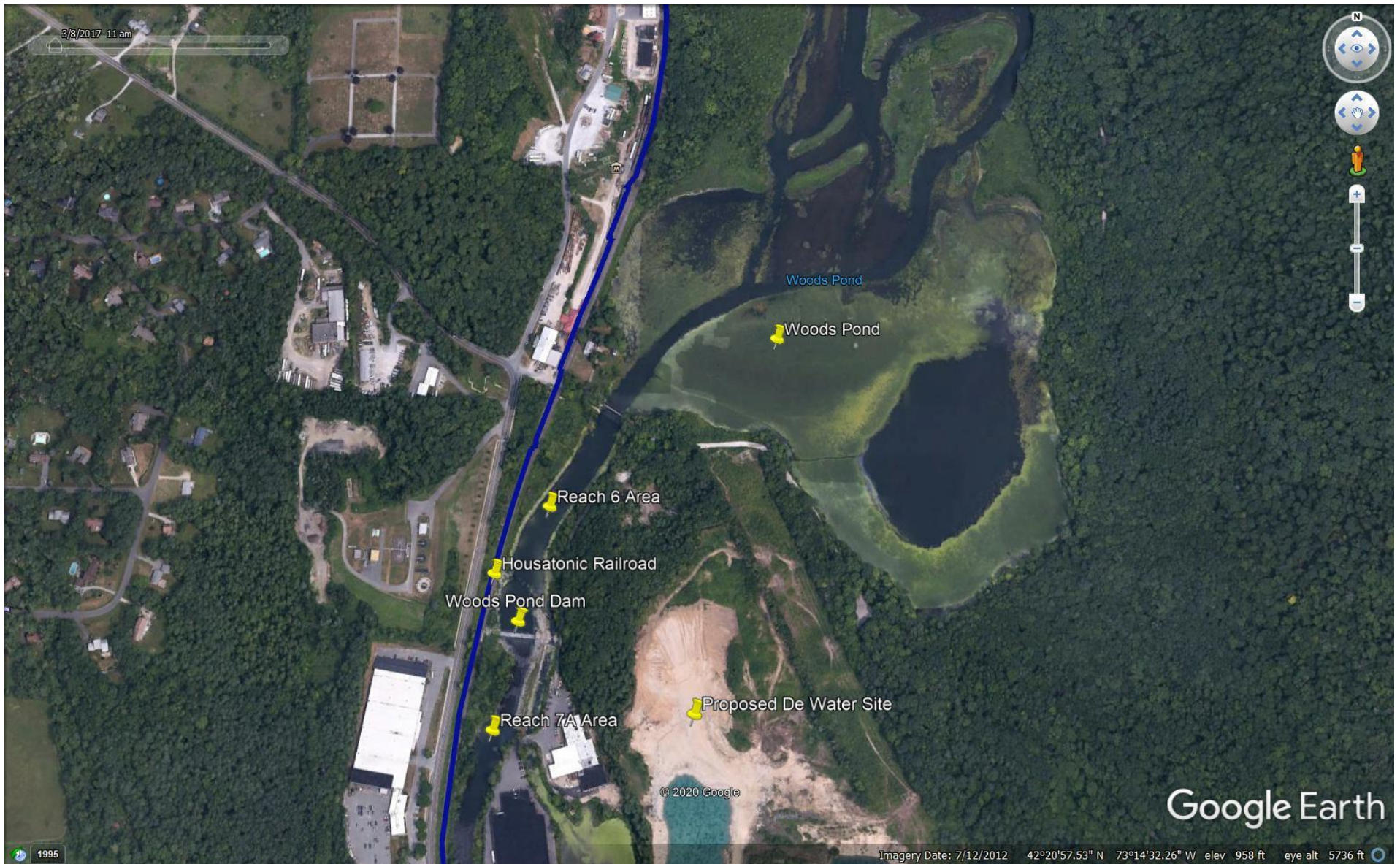
5. Reach 7G and 7H – Glendale Dam



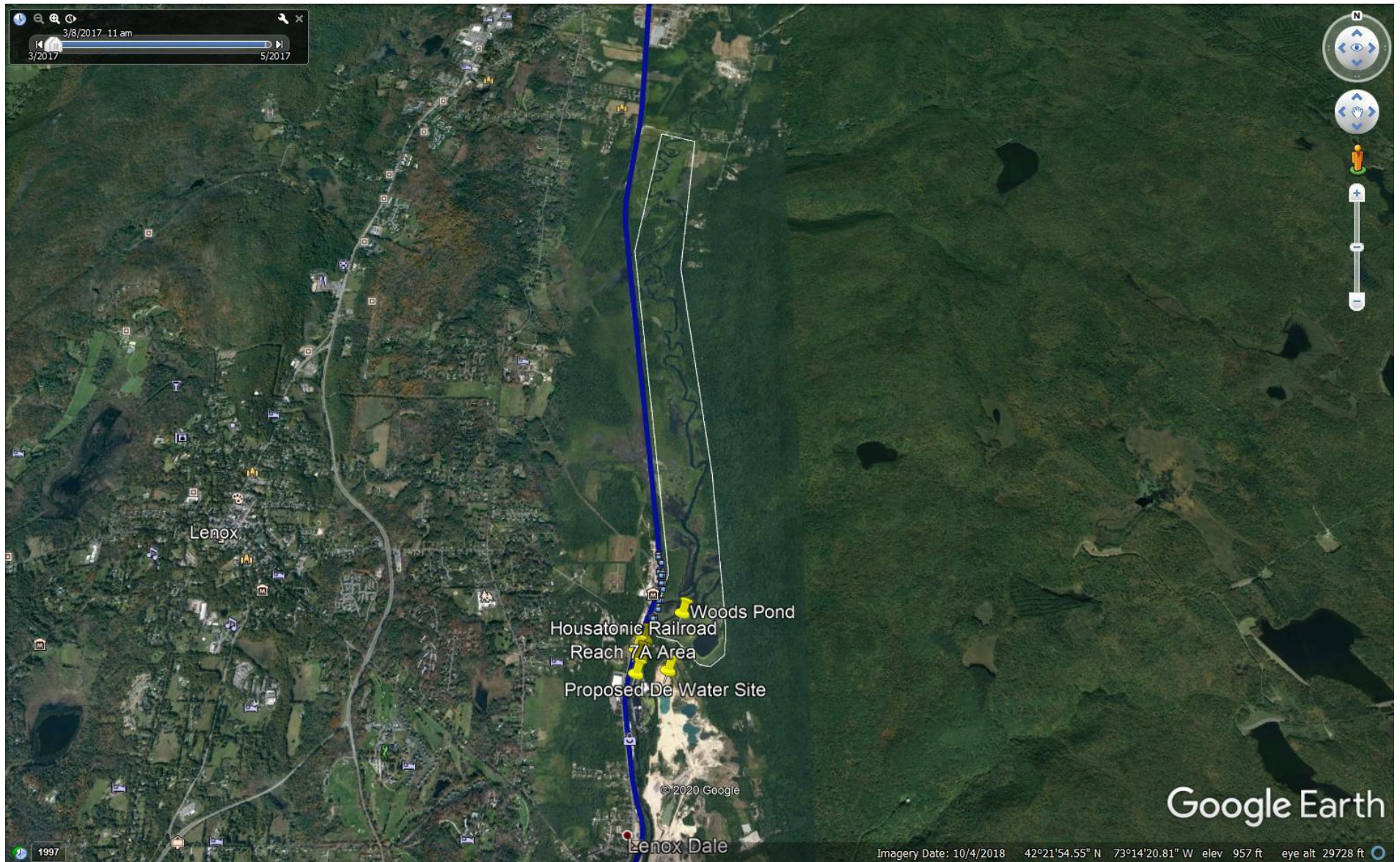
6. Reach 6 – Woods Pond



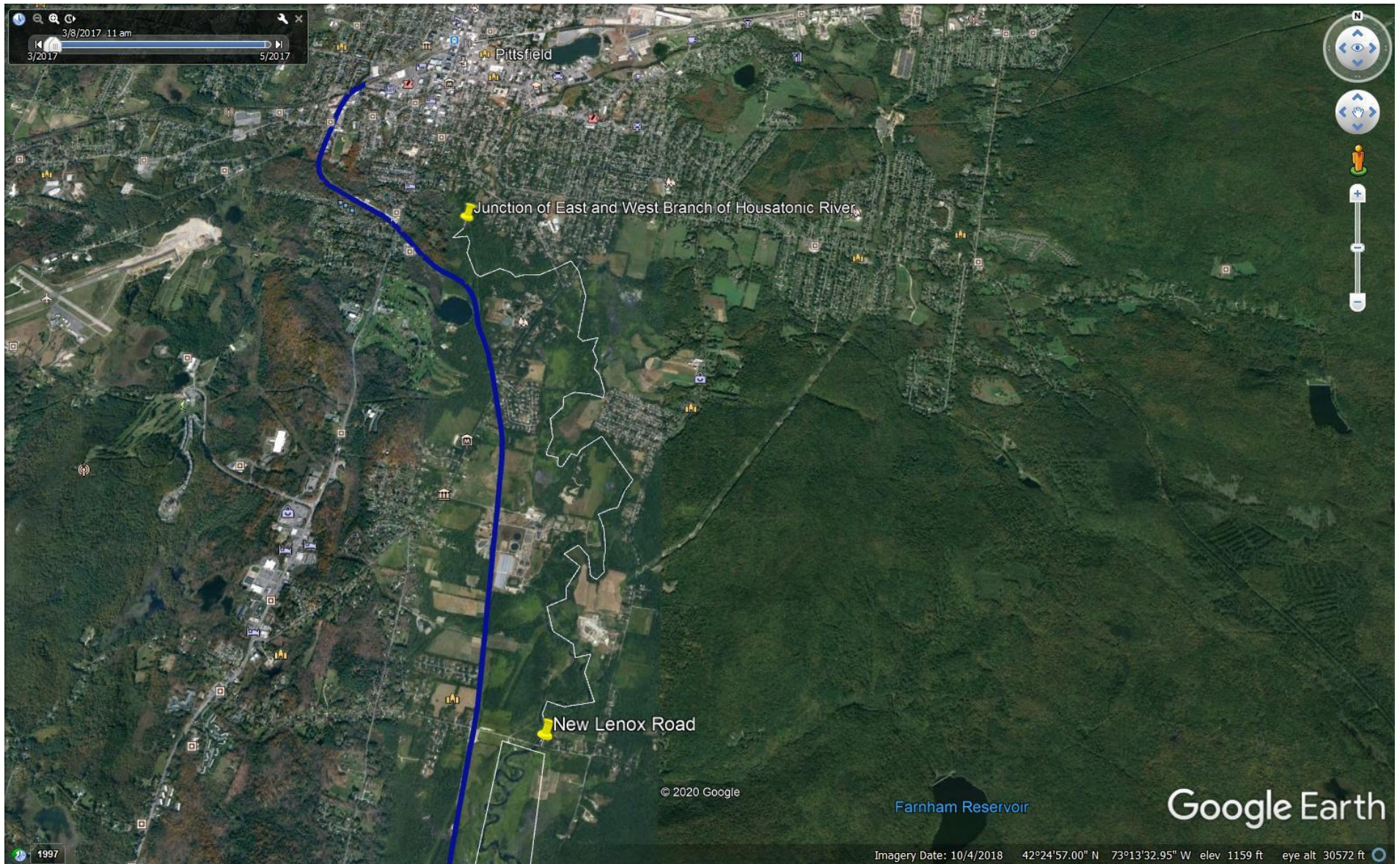
7. Reach 6 – Woods Pond (larger area)



8. Woods Pond to New Lenox Road



9. New Lenox Road to East and West Branch of Housatonic



Project name:
HRR Task Order 2

Project ref:

To: Edward Rodriguez
Housatonic Railroad Company, Inc.
PO Box 1146
90 Main St.
Canaan, CT 06018

From:
John Hapkeiwicz, P.E.

Date:
September 15, 2020

CC: Matt Boardman (HRRC)

Memo

Subject: Preliminary Spur Line Corridor Alternatives

Background

The Housatonic River is contaminated with polychlorinated biphenyls (PCBs) released from the General Electric Company (GE) facility in Pittsfield, MA. The entire site consists of the 254-acre GE facility, the Housatonic River, and its banks and floodplains from Pittsfield, MA to Long Island Sound. Under a federal Consent Decree, GE is required to address contamination throughout the site, including the Housatonic River.

The river cleanup in the area of Lenox, MA is known as the “Rest of River” portion of the Housatonic River. Depending on the level of contamination, the disposal of excavated materials will either be taken out of state to a regulated facility or will be consolidated at a local Upland Disposal Facility (UDF) that will be designed for safe, protective disposal.

Efficient access and egress to/from the UDF will be essential in order to limit the environmental, noise and social economic impacts to the local community.

In an effort to streamline the removal of contaminated materials, the Housatonic Railroad Company is proposing to construct a spur line off their mainline track directly into the UDF. The spur line would provide direct access to the UDF without using local roads. This will lessen the impact of transferring the contaminated material offsite via conventional trucking.

The Housatonic Railroad Company/AECOM team visited the site on September 3, 2020 and reviewed the terrain for potential spur line alignment options. This memorandum depicts three (3) conceptual spur line alignment alternatives that could provide access to the UDF.

As set forth below, AECOM and the Housatonic Railroad Company have concluded that Alternative 2 presents the most desirable and cost effective alternative.

Conceptual Alternative 1

This alternative consists of installing a turnout off the mainline track southeast of Willow Hill Road (see Figure No. 1). The spur would cross Mill Street via an at-grade railroad crossing and continue north through the existing vegetated hill towards Willow Hill Road and the existing sand and gravel plant. The spur line grades would be very steep along Mill Street (~6%) and would require roughly 80-feet of cut through the vegetated hill. It is assumed that some of the excavation would be in rock. It is anticipated that the spur line would be grade-separated with a bridge at Willow Hill Road due to the significant grade difference (~30-feet).

The proposed at-grade railroad crossing would be on a severe skew and the sightline for southbound motorists on Mill Street would be limited by the existing crest vertical curve located at the bridge over the mainline track.

This alternative would also require impacts to one or more residential properties on the east side of Mill Street. This alternative was not preferred due to grade, extent of excavation, cost, and safety challenges with the at-grade crossing. This alternative is also not desirable due to the residential property impacts.

Conceptual Alternative 2

This alternative consists of installing a gauntlet track, parallel to the mainline track, that runs under the Mill Street bridge (see Figure No, 1). The spur line would then follow the east bank of the Housatonic River to the UDF. This alternative would require a retaining wall and minor relocation of Willow Hill Road to provide enough width between the Housatonic River and the spur line. The profile grade for this alternative is anticipated to be within the acceptable criteria for railroads. The horizontal curve north of the Mill Street bridge is in the range of 16-degrees. While a curve this sharp would not be acceptable for mainline track, it is suitable for an industrial lead and should not present a problem.

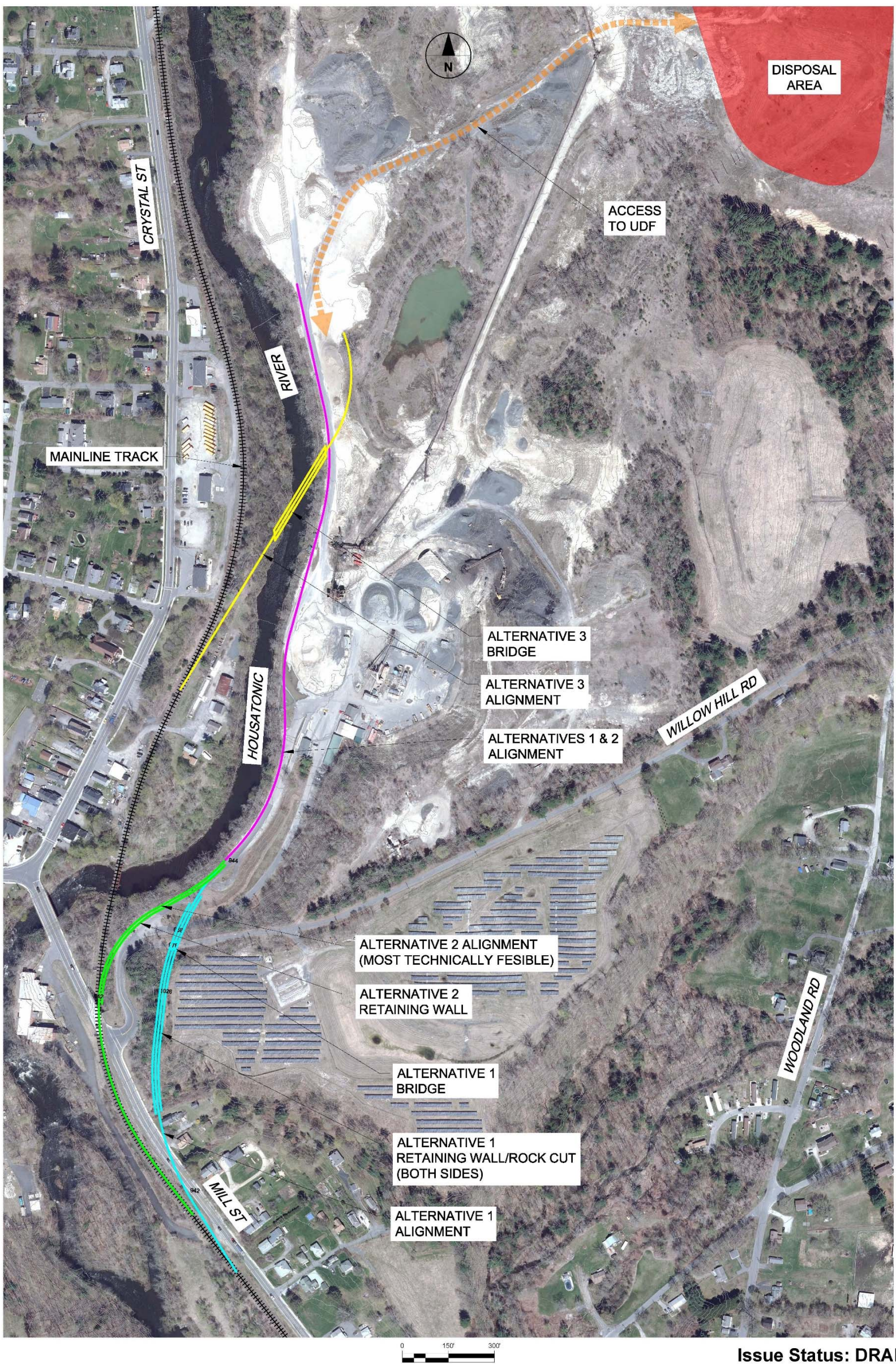
No at-grade railroad crossings or residential impacts are anticipated with this alternative.

Due to the relative cost, geometry, and minimum environmental and private property impacts, this alternative was deemed the most technically feasible.

Conceptual Alternative 3

This alternative consists of installing a turnout approximately 600-feet north of the mainline track bridge over the Housatonic River (see Figure No. 1). In order to get back to the east side of the Housatonic River, a new bridge would be required. The new bridge would be approximately 300-feet in length and potentially require a bridge pier within the floodway of the Housatonic River. The profile grade and horizontal geometry are expected to be within the acceptable criteria for railroads.

Private property impacts would be minimal with this alternative and at-grade railroad crossings are not anticipated. However, the cost and potential environmental impacts of constructing a new bridge over the Housatonic River may significantly impact the feasibility of this alternative.



Issue Status: DRAFT

PRELIMINARY SPUR LINE CORRIDOR ALTERNATIVES
Housatonic Railroad Company, Inc.
 Lenox, MA
 Project No.: 60641670 Date: 9/14/2020

AECOM

Figure: 1